



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Jacksonville Permits Section

December 16, 2008

PUBLIC NOTICE

Permit Application SAJ-2008-586 (SP-MRE)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Elkton Green, Inc.
Attn: Mr. David Hutson
3030 Hartley Road, Suite 300
Jacksonville, Florida 32257

WATERWAY & LOCATION: The project would affect waters of the United States, including wetlands, ecologically associated with Sal Taylor Creek. The project site is located west of Old Middleburg Road and north of Argyle Forest Boulevard in Sections 29 and 32, Township 3 South, Range 25 East, in Duval County, Florida.

APPROXIMATE CENTRAL LATITUDE & LONGITUDE: Latitude 30.3274°
Longitude -81.7374°

PROJECT PURPOSE:

Basic: The basic project purpose is the establishment of a mixed-use residential and commercial development.

Overall: The overall project purpose is the development of a mixed-use residential subdivision and office complex to serve western Duval County and northern Clay County.

EXISTING CONDITIONS: The overall project site is approximately 72.59 acres in size. An estimated 12.29 acres of the site can be characterized as medium to high quality wetlands. An estimated 60.3 acres of the site can be characterized as uplands. The site supports five habitat communities identified by the Florida Land Use, Cover and Forms Classification System (FLUCFCS). These communities are pine plantation (FLUCFCS 441), wet pine plantation (FLUCFCS 441w), mixed wetland hardwoods (FLUCFCS 617), wetland forested mixed (FLUCFCS 630), and trail road (FLUCFCS 8146). These communities support vegetation typical to each of the communities listed. Properties adjacent to the project site include commercial/retail, silviculture, and residential.

PROPOSED WORK: The overall project site is formed by the combination of two properties.

The northwestern portion of the overall project site previously was incorporated into properties associated with the Oakleaf developments. Work associated with access to this area and the establishment of residential parcels was previously authorized under Department of the Army permit SAJ-2000-3582(SP-MRE).

The work associated with the proposed development of the eastern portion of the project site has not been evaluated by the U.S. Army Corps of Engineers. Work proposed within this portion of the overall site would eliminate a total of 9.95 acres of wetlands to facilitate the establishment of a commercial office complex.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has expressed the opinion that the avoidance and minimization of impacts to the wetlands encompassed by the eastern portion of the project site is not practicable due to the specific location and size of these wetlands.

Compensatory Mitigation: As mitigation for the work proposed, the applicant would preserve onsite upland buffers and wetlands and uplands within Oakleaf Plantation.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has not received or discovered any information that the project site is utilized by, or contains habitat critical to, any federally listed threatened or endangered species. Therefore, the Corps has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The project would not affect marine or estuarine resources. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in Sal Taylor Creek. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The Corps has not verified the extent of Federal jurisdiction.

AUTHORIZATION FROM OTHER AGENCIES: On December 9, 2008, the St. Johns River Water Management District issued a permit, number 4-031-65850-92, for the project.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact Mark R. Evans at the letterhead address, by electronic mail at mark.r.evans@usace.army.mil, by facsimile transmission at 904-232-1904, or by telephone at 904-232-2028.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Service, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

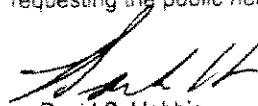
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

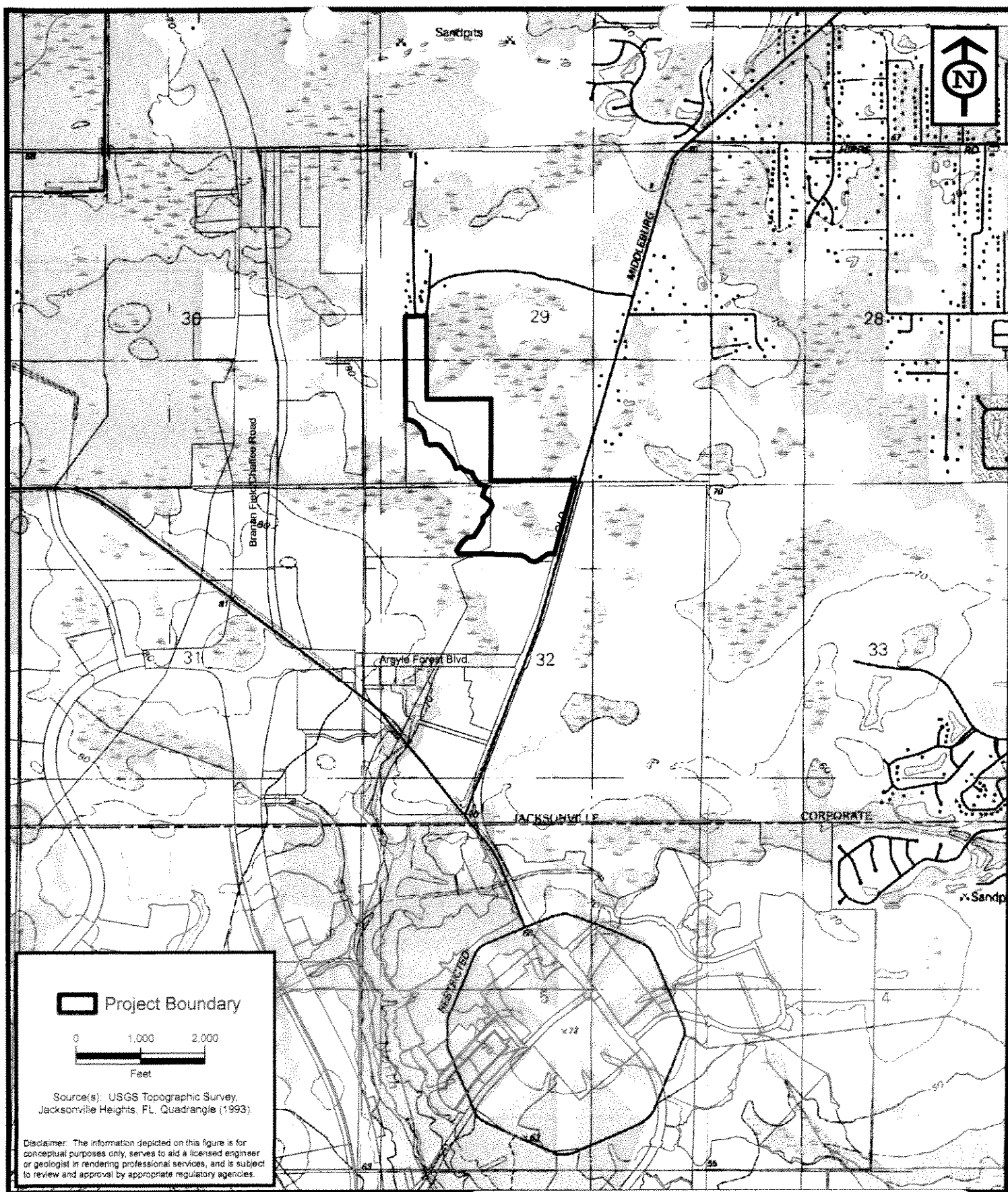
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

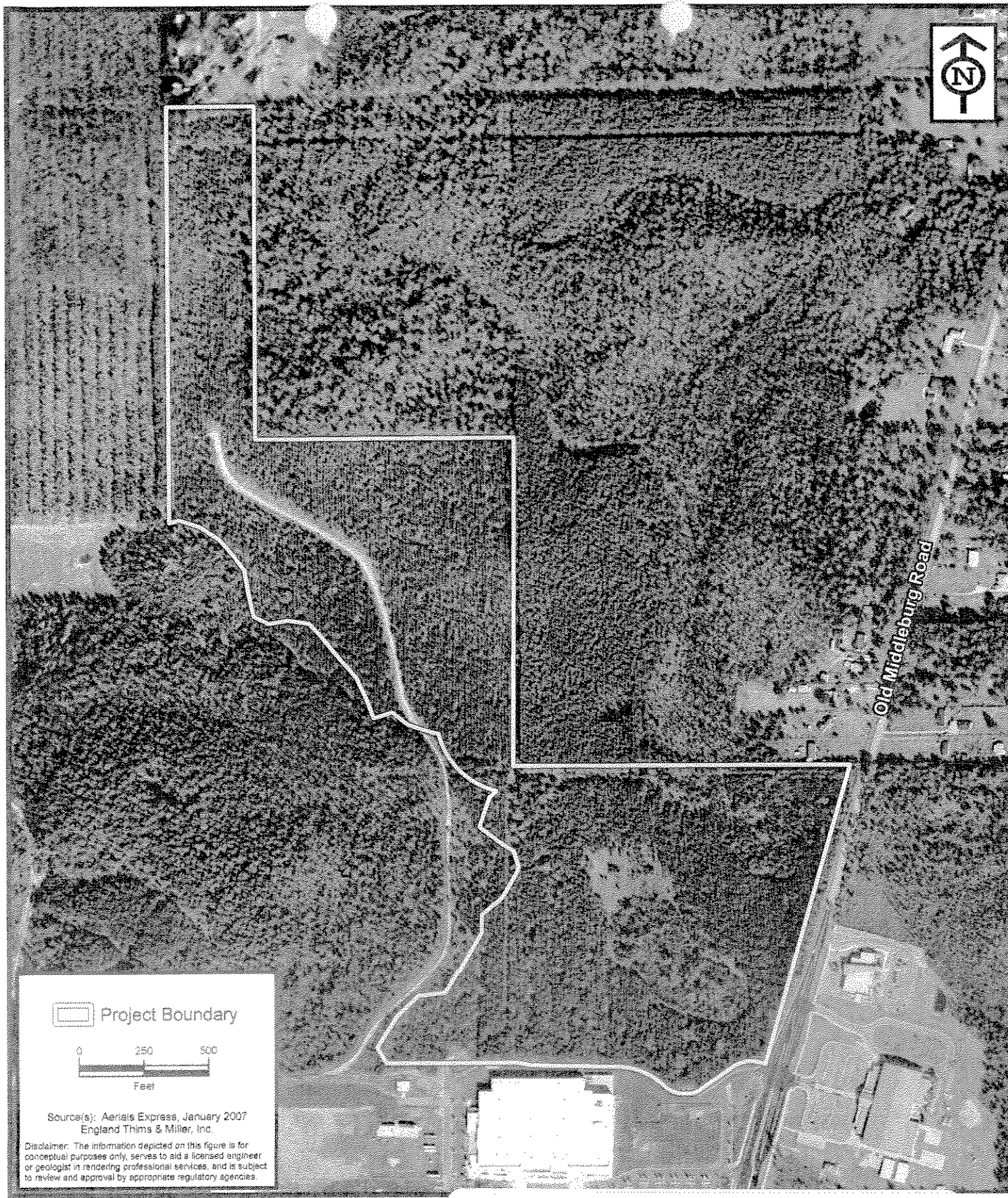
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

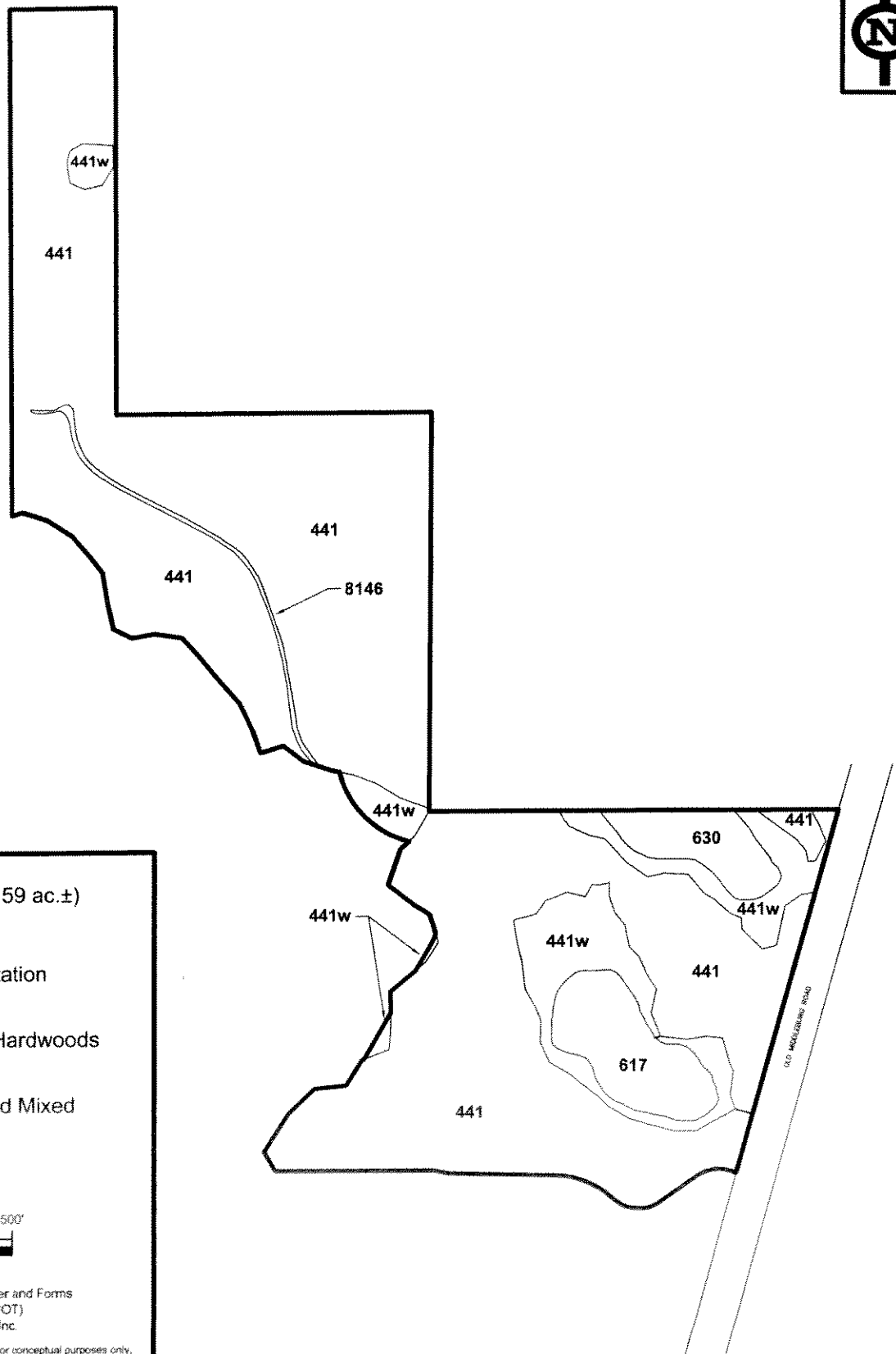
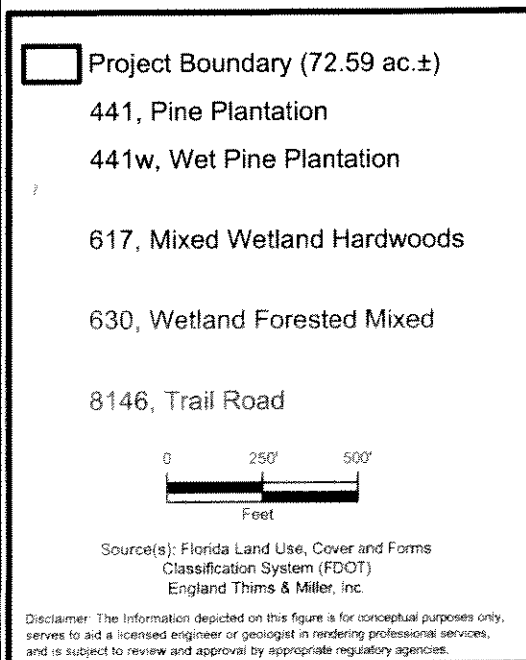
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

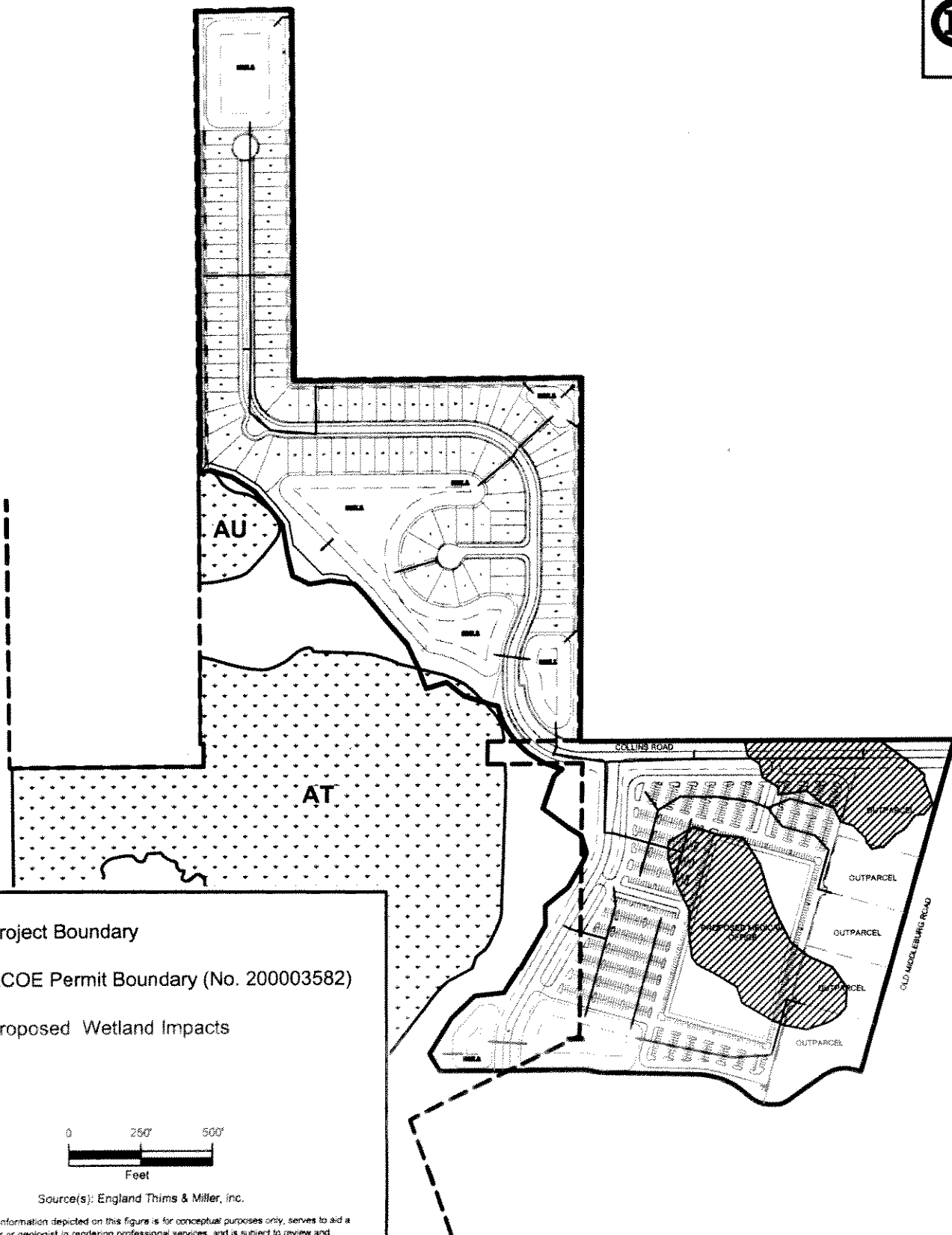
REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


David S. Hobbie
Regulatory Division









U.S. ARMY CORPS OF ENGINEERS
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PROPOSED SITE DEVELOPMENT